IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HONOURBALE SRI JUSTICE ELIPE DHARMA RAO

W.P. No. 18077 OF 2005

Dated : 16th August, 2005

Between:

Kotamarthy Srinivas

Petitioner

AND

The Government of A.P.,

Rep. By Chief Secretary to Govt.

Secretariat, Hyderabad and two others.

Respondents

THE HONOURBALE SRI JUSTICE ELIPE DHARMA RAO

W.P. No. 18077 OF 2005

ORAL ORDER

Seeking a writ of mandamus declaring GO Ms. No. 251 dated 3.3.2005 whereby the lands covered by S. Nos. 148, 158 to 161 of Sastavahana Nagar, Kukatpally as excess lands under the Urban Land Ceiling Act and the notice F1/6492/96 dated 3.8.2005 whereby the owners of plots – houses, HMT Satavahananagar to regularize their property by paying the amounts as per the Schedule annexed to GO Ms. No. 1223 date 8.6.2005 as illegal, arbitrary and violative of Articles 14, 21, and 300-A of the Constitution of India, the petitioner filed this writ petition.

The case of the petitioner is that he purchased house bearing No. 2-23-279 within Plot No. 418 admeasuring 210 Sq. yards, HMT Satavahana Nagar, Kukatpally on 8.5.1992 under registered document and has been in possession and enjoyment of the property paying municipal taxes. It is further stated that the petitioner was informed by proceedings dated 3.3.2005 that an extent of Ac.40.27 guntas in the above Sy. Nos. has been declared as surplus land in terms of GO Ms. No. 251 Revenue (UCII) Department and requested the petitioner / plot owner to regularize the plots/houses in terms of GO Ms. No. 455 Revenue (UCII) Department dated 29.7.2002, as the Government has enhanced the rates by 100% w.e.f. 16.8.2005 vide GO Ms. No. 1376 Revenue (UCII) Department dated 14.7.2005.

Aggrieved of the said notice, the petitioner filed this writ petition, inter alia contending that he is a third bona fide purchaser of the land and, therefore, the issuance of the said notice is illegal and is liable to be set aside.

What is impugned in this writ petition is a notice issued by the

respondents directing the petitioner to get regularized their plots/ houses purchased under the Government Orders issued from time to time. The Government declared the plot purchased by the petitioner as surplus land. Therefore, if the petitioner is aggrieved of the same, he should have approached the authority and explained to them as to how the said notice is capricious, instead of invoking extraordinary jurisdiction of this court under Article 226 of the Constitution. Having regard to these facts, I deem it appropriate to direct the petitioner to submit explanation within a period of two weeks from the date of receipt of a copy of this order. In the event the petitioner files such an explanation, the respondents are directed to pass appropriate orders thereon, in accordance with law, within a period of six weeks thereafter. Till such time, the respondents are directed not to take coercive steps.

With these directions, the writ petition stands disposed of. No order as to costs.

Elipe Dharma Rao, J.

August 16, 2005

Copy by tomorrow.

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